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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,389

Applicant(s)

HUNLICH, KLAUS

Examiner

Michael Burleson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Albal US 5826034.
3. Regarding claim 1, Albal teaches of a communication network (12) (column 5, lines 39-47 and lines 60-67 and figure 1), which reads on a method of transmitting facsimile data from at least one first subscriber to at least one-second subscriber. Albal teaches that of a connection between the computer workstation (30) and a local server (28) (figure 1 and column 5, lines 58-67 and column 6, lines 1-19), which reads on establishing a real-time connection to at least one first intermediate station and transmitting data to the first intermediate station. Albal teaches of sending a near-end acknowledgement (120) when the server (28) receives the payload (column 10, lines 15-25 and figure 5), which reads on dispensing with an acknowledgement for verification of

a correct transmission provided from the at least one first intermediate station to the at least one first subscriber. Albal teaches that a server can have an internet environment (column 2, lines 37-45). He also teaches that the recipient is capable of receiving a fax or e-mail by providing delivery parameters (column 8, lines 28-52 and figure 1). This reads on forwarding, from the at least one first intermediate station, the data to at least one second intermediate station over a connection which at least in part does not support real-time transmission. Albal teaches that the LAN server (42) is connected via a subscriber line (40) to LAN (38) (figure 1), which reads on establishing real-time connection between the at least one second subscriber and the at least one second intermediate station, and transmitting the data to the at least one second subscriber.

4. Regarding claim 2, Albal teaches of sending a near-end acknowledgement (120) when the server (28) receives the payload (column 10, lines 15-25 and figure 5), which reads on reception of the data of the at least one first subscriber by the at least one first intermediate station is acknowledged.

5. Regarding claim 3, Albal teaches of a recipient acknowledgement (figure 5), which reads on reception of the data of the at least one second subscriber by the at least one second intermediate station is acknowledged.

6. Regarding claim 4, claim 4 is effectively the realization of the combination of the limitations of claims 2 and 3 and therefore is rejected for the same reasons above.

7. Regarding claim 5, Albal teaches of a media/protocol converter (88) (column 7, lines 47-60), which reads on the at least one first intermediate station forwards the

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data to the at least one second intermediate station over a network at least in part based on TCP/IP.

8. Regarding claim 6, Albal teaches of a server (28) and a LAN server (42) (figure 1), which reads on the at least one first intermediate station and the at least one second intermediate station act in the form of a proxy.

9. Regarding claim 7, Albal teaches of a communication network (12) (column 5, lines 39-47 and lines 60-67 and figure 1) and he teaches of different communication services like fax (column 2, lines 37-50), which reads on an intermediate station sending facsimile data from at least one first subscriber to at least one second subscriber, the subscribers having a real-time communication link. Albal teaches that a server can have an internet environment (column 2, lines 37-45). He also teaches that the recipient is capable of receiving a fax or e-mail by providing delivery parameters (column 8, lines 28-52 and figure 1). This reads on at least one first intermediate station, the data to at least one-second intermediate station over a connection, which at least in part does not support real-time transmission. Albal teaches of sending a near-end acknowledgement (120) when the server (28) receives the payload (column 10, lines 15-25 and figure 5), which reads on an acknowledgement for verification of a correct transmission provided from the at least one first intermediate station to the at least one first subscriber is dispensed. Albal teaches that the LAN server (42) is connected via a subscriber line (40) to LAN (38) (figure 1), which reads on a real-time connection between the at least one second subscriber and the at least one second intermediate station, and the data is transmitted to the at least one second subscriber.

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10. Regarding claim 8, Albal teaches of a server (28) and a LAN server (42) (figure 1), which reads on the intermediate station is configured as a proxy.

11. Regarding claim 9, Albal teaches of a media/protocol converter (88) (column 7, lines 47-60), which reads on the communication link is a connection of a TCP/IP-based network.

12. Regarding claim 10, Albal teaches that of a connection between the computer workstation (30) and a local server (28) (figure 1 and column 5, lines 58-67 and column 6, lines 1-19), which reads on the communication link between the at least one first subscriber and at least one-second subscriber is a real-time communication link.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

Michael Burleson
Patent Examiner
Art Unit 2626

MB

Mlb
October 11, 2005

KA Williams
KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER